AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Arizona

DOA 09-19-17

United States of America
v.
Jorge Bautista Ornelas,
a.k.a.: Jorge Ornelas Bautista,
a.k.a.: Mario Duran Perez,
(A096 226 955)
Defendant

Case No. 17-9447 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 19, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jorge Bautista Ornelas, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about July 8, 2003, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Amy Brown

☒ Continued on the attached sheet.

Complainant's signature

Steven T. Case,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 20, 2017

Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.

2. On September 19, 2017, Jorge Bautista Ornelas was encountered by the Phoenix ICE Fugitive Operations Team (FOT) during a vehicle stop, near 3605 West Glendale Avenue, in Phoenix, Arizona. At the scene, FOT officers determined Bautista Ornelas to be a citizen of Mexico, illegally present in the United States. On the same date, Bautista Ornelas was transported to the Phoenix ICE office for further investigation and processing. Bautista Ornelas was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.

3. Immigration history checks revealed Jorge Bautista Ornelas to be a citizen of Mexico and a previously deported criminal alien. Bautista Ornelas was removed from the United States to Mexico at or near Nogales, Arizona, on or about July 8, 2003, pursuant to an order of removal issued by an immigration judge. There is no record of

Bautista Ornelas in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Bautista Ornelas' immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Jorge Bautista Ornelas was convicted of Sexual Conduct with a Minor, a felony offense, on February 19, 2003, in the Superior Court of Arizona, Maricopa County. Bautista Ornelas was sentenced to four (4) months' incarceration and fifteen (15) years' probation. Bautista Ornelas' criminal history was matched to him by electronic fingerprint comparison.

5. On September 19, 2017, Jorge Bautista Ornelas was advised of his constitutional rights. Bautista Ornelas freely and willingly acknowledged his rights and declined to make any further statements.

6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 19, 2017, Jorge Bautista Ornelas, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about July 8, 2003, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply

for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 20th day of September, 2017.

Eileen S. Willett,
United States Magistrate Judge